

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BETTE R. WALLACE,

Plaintiff,

v.

GECKOSYSTEMS
INTERNATIONAL
CORPORATION,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

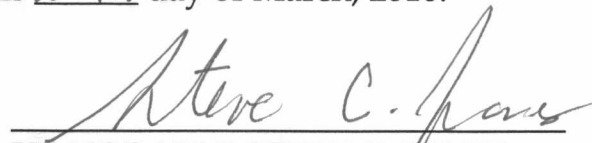
CIVIL ACTION NO.
1:15-CV-3797-SCJ

ORDER

This matter appears before the Court on Plaintiff's Motion for Default Judgment. Doc. No. [4]. Under Federal Rule of Civil Procedure 55, a party seeking default must seek first the Clerk's entry of default pursuant to Rule 55(a), by providing evidence "by affidavit or otherwise" that the opposing party "has failed to plead or otherwise defend." See Fed. R. Civ. P. 55; see also Frazier v. Absolute Collection Serv., Inc., 767 F. Supp. 2d 1354, 1360 n.1 (N.D. Ga. 2011). After the Clerk has made an entry of default, the party seeking default judgment may then file a motion for default judgment under Rule 55(b)(1) or Rule 55(b)(2). However, the Clerk's entry of default, under Rule 55(a), is a prerequisite for default judgment to be granted under Rule 55(b). See Sun v. United States, 342 F. Supp. 2d 1120, 1124 n.2

(N.D. Ga. 2004) (“Plaintiff’s Motion for Default Judgment is premature because he has failed to obtain the entry of default, a prerequisite to a default judgment.”). Because there has been no entry of default by the Clerk’s office, Plaintiff’s Motion for Default Judgment (Doc. No. [4]) is hereby **DENIED**, though the Court grants Plaintiff leave to renew the motion.

IT IS SO ORDERED, this 25th day of March, 2016.


HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE